

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ANTOINETTE JONES,)

PLAINTIFF,)

VS.)

2:12-cv-2595-JHH

BAC HOME LOANS,)

DEFENDANT.)

MEMORANDUM OPINION

The court has before it the Motion (Doc. #14) for Summary Judgment of BAC Home Loans (“Bank of America, N.A.” and incorrectly identified by Plaintiff as “BANA Home Loans”) filed on August 28, 2013.

Plaintiff Antoinette Jones commenced this action by filing a complaint in this court on July 31, 2012 alleging: (1) fraud (Count One); (2) breach of contract (Count Two); (3) slander of title (Count Three); (4) wantonness (Count Four); (5) wrongful foreclosure (Count Five); (6) RESPA violation (Count Six); (7) unjust enrichment (Count Seven); (8) Fair Debt Collection Practices Act (Count Eight); (9) negligence per se (Count Nine); (10) negligent hiring/training (Count Ten); (11) breach of fiduciary duty (Count Eleven); and (12) intentional infliction of emotional distress (tort of outrage) (Count Twelve). On August 28, 2013, Defendant Bank of America

filed a brief and evidence¹ in support of its motion for summary judgment. (*See* Docs. #14, 15, 16). Plaintiff failed to file any brief or evidence in opposition to Defendant's Motion (Doc. #14) for Summary Judgment. In accordance with the court's August 29, 2013 order (Doc. #17), the Motion (Doc. #14) for Summary Judgment came under submission on October 4, 2013.

The court has reviewed the Motion for Summary Judgment (Doc. #14), the brief in support of the Motion for Summary Judgment (Doc. #15), and the referenced portions of the evidentiary material filed in support of the Motion for Summary Judgment (Doc. #16). The court finds that the statement of facts as set forth on pages 2 through 4 of the brief (Doc. #15) is amply supported by the record evidence.

Therefore, Defendant Bank of America, N.A. has carried its burden of demonstrating the absence of any material factual dispute and that it is entitled to judgment as a matter of law as to all claims asserted in the complaint.

A separate order will be entered dismissing all claims.

DONE this the 1st day of November, 2013.



SENIOR UNITED STATES DISTRICT JUDGE

¹Defendant Bank of America filed: (1) the affidavit of Lorena P. Diaz with exhibits (Exhibit 1); (2) the Chapter 13 Voluntary Petition (Exhibit 2); (3) the Chapter 13 Plan (Exhibit 3); (4) the Confirmation Order (Exhibit 4); (5) the Trustee's Motion to Dismiss (Exhibit 5); and (6) the Order Dismissing Case (Exhibit 6).